

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JESUS M. SIMMS,

Plaintiff,

v.

Case No. 22-CV-331

BRETT MATTHIESEN,

Defendant.

ORDER

On December 30, 2022, defendant Brett Matthiesen filed a motion to dismiss for lack of prosecution. (ECF No. 21.) Matthiesen states that *pro se* plaintiff Jesus M. Simms has not been diligently prosecuting this case because he failed to respond to discovery requests and failed to notify the court of his change of address. (ECF No. 22.) On February 1, 2023, the court ordered Simms to file a letter no later than February 22, 2023, with his current address and indicating that he wants to still pursue this case. The court warned Simms that, if he did not do so, it would grant Matthiesen's motion and the action would be dismissed for failure to prosecute. *See* Civil Local Rule 41(c).

The February 22, 2023, deadline has passed, and Simms has not filed a letter updating his address and indicating that he wishes to continue with this lawsuit. Accordingly, the court grants Matthiesen's motion and this case is dismissed for failure to prosecute. *See* Civil L.R. 41(c).

IT IS THEREFORE ORDERED that Matthiesen's motion to dismiss (ECF No. 21) is **GRANTED**.

IT IS FURTHER ORDERED that this case is **DISMISSED**. The clerk of court will enter judgment accordingly.

This order and the judgment to follow are final. A dissatisfied party may appeal this court's decision to the Court of Appeals for the Seventh Circuit by filing in this court a notice of appeal within **30 days** of the entry of judgment. *See* Federal Rule of Appellate Procedure 3, 4. This court may extend this deadline if a party timely requests an extension and shows good cause or excusable neglect for not being able to meet the 30-day deadline. *See* Federal Rule of Appellate Procedure 4(a)(5)(A).

Under certain circumstances, a party may ask this court to alter or amend its judgment under Federal Rule of Civil Procedure 59(e) or ask for relief from judgment under Federal Rule of Civil Procedure 60(b). Any motion under Federal Rule of Civil Procedure 59(e) must be filed within **28 days** of the entry of judgment. The court cannot extend this deadline. *See* Federal Rule of Civil Procedure 6(b)(2). Any motion under Federal Rule of Civil Procedure 60(b) must be filed within a reasonable time, generally no more than one year after the entry of the judgment. The court cannot extend this deadline. *See* Federal Rule of Civil Procedure 6(b)(2).

A party is expected to closely review all applicable rules and determine what, if any, further action is appropriate.

Dated in Milwaukee, Wisconsin this 3rd day of March, 2023.

BY THE COURT

A handwritten signature in black ink, reading "William E. Duffin", written over a horizontal line.

WILLIAM E. DUFFIN
United States Magistrate Judge